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**JUN 18 2009**

**OFFICE OF PETITIONS**

In re Application of  
Kevin J. Brusky, et. al.  
Application No. 08/941,174  
Filed: September 30, 1997  
Attorney Docket No. 200303806-1

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed on December 21, 2007, to revive the above-identified application. The delay in responding is regretted.

The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Karl E. Bring appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The application became abandoned for failure to timely respond to the Notice of Allowance and Fee(s) Due mailed September 20, 2007.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of \$1,440 for payment of the issue fee; (2) the petition fee of \$1,540; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith  
Petitions Examiner  
Office of Petitions